

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

|                                  |   |                              |
|----------------------------------|---|------------------------------|
| MELVIN AUGUST GIESE, A/K/A TODD  | § |                              |
| GIESE                            | § | Civil Action No. 4:18-CV-182 |
|                                  | § | (Judge Mazzant/Judge Nowak)  |
| v.                               | § |                              |
|                                  | § |                              |
| U.S. BANK NATIONAL ASSOCIATION,  | § |                              |
| AS TRUSTEE FOR RESIDENTIAL ASSET | § |                              |
| SECURITIES CORPORATION, HOME     | § |                              |
| EQUITY MORTGAGE ASSET-BACKED     | § |                              |
| PASS-THROUGH CERTIFICATES,       | § |                              |
| SERIES 2005-KS3, and OCWEN LOAN  | § |                              |
| SERVICING, LLC                   | § |                              |

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On October 5, 2018, the report of the Magistrate Judge (Dkt. #30) was entered containing proposed findings of fact and recommendations that Defendants' Motion to Dismiss be granted, and Plaintiff's claims be dismissed.

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendants' Motion to Dismiss (Dkt. #19) is **GRANTED** and Plaintiff's claims are **DISMISSED with prejudice**.

All relief not previously granted is **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

**IT IS SO ORDERED.**

**SIGNED this 2nd day of November, 2018.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE